

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FINWARD L. SCOTT,

Petitioner,

v.

No. 22-cv-0908 KG-GBW

METROPOLITAN DETENTION CENTER,

Respondent.

ORDER TO CURE DEFICIENCIES

This matter is before the Court on Petitioner Finward Scott's Letter Regarding State Sentence. (Doc. 1) (Letter). Scott is incarcerated at the Metropolitan Detention Center (MDC) and is proceeding *pro se*. He alleges he has completed his sentence for driving under the influence, but MDC officials will not effectuate his release. It appears MDC may be holding Scott pursuant to a detainer. Scott seeks extradition to the State of Colorado or San Juan County. "[A] challenge to the execution of a sentence should be brought [as a habeas petition] under 28 U.S.C. § 2241." *Davis v. Roberts*, 425 F.3d 830, 833 (10th Cir. 2005). *See also Thomas v. Thompson*, 790 Fed. App'x 960 (10th Cir. 2020) (analyzing state prisoner's claim regarding a detainer under Section 2241). Scott must file his claims on the Section 2241 habeas form within thirty days of entry of this Order. By the same deadline, he must also prepay the \$5.00 habeas filing fee or, alternatively, file a motion to proceed *in forma pauperis* that attaches a six-month inmate account statement. The Clerk's Office will mail Petitioner a blank § 2241 form along with a blank *in forma pauperis* motion. The failure to timely comply with this motion may result in dismissal of the action without further notice.

IT IS ORDERED:

1. Within (30) days of entry of this Order, Petitioner shall refile his claims on the § 2241 habeas form and prepay the \$5.00 habeas filing fee or, alternatively, file a motion to proceed *in forma pauperis* that attaches a six-month inmate statement.

2. The Clerk's Office shall mail Petitioner a blank 28 U.S.C. § 2241 habeas petition and a blank *in forma pauperis* motion.


UNITED STATES DISTRICT JUDGE